

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHAW FAMILY ARCHIVES, LTD., EDITH
MARCUS and META STEVENS,

Plaintiffs,

-against-

CMG WORLDWIDE, INC., an Indiana Corporation:
and MARILYN MONROE, LLC, a Delaware
Limited Liability Company,

Defendants.

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DECLARATION OF CHRISTOPHER SERBAGI

I, CHRISTOPHER SERBAGI, an attorney duly licensed to practice law before
this Court, declare the following facts under penalty of perjury:

1. I represent Shaw Family Archives, Ltd., Edith Marcus, Meta Stevens and Bradford Licensing Associates (collectively referred to as the “Shaw Family”) in the above-captioned matter and am fully familiar with the facts set forth herein. I respectfully submit this declaration on behalf of the Shaw Family in further support of its motion to preclude all of the evidence upon which Defendants currently rely in support of their public domain claim.

2. On January 21, 2008, Magistrate Judge Mark Fox conducted a final telephonic discovery conference in this matter. At the conclusion of the conference, I told Judge Fox that the Defendants were producing documents after the completion of discovery. Judge Fox stated that the Defendants would be precluded from relying on these documents and might be sanctioned, but advised that since this case was no longer before him, this was an issue for Judge McMahon.

3. Annexed hereto as Exhibit A, is a true and correct copy of an excerpt from the parties' Pre-Trial Order, dated February 1, 2008.

4. Annexed hereto as Exhibit B, is a true and correct copy of Defendants' Compliant, dated March 23, 2005.

5. Annexed hereto as Exhibit C, is a true and correct copy of Defendants' First Amended Complaint, dated June 7, 2005.

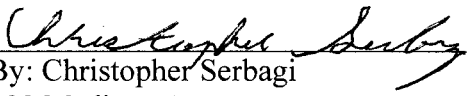
6. Annexed hereto as Exhibit D, is a true and correct copy of Defendants' Second Amended Complaint, dated June 21, 2005.

7. Annexed hereto as Exhibit E, is a true and correct copy of electronic communications between Orin Snyder and Christopher Serbagi, dated August 8, 2007.

8. Annexed hereto as Exhibit F, is a true and correct copy of a transcript from the discovery hearing before Magistrate Judge Mark Fox, on December 26, 2007.

Dated: New York, New York
April 9, 2008

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